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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/782,009	02/19/2004	Harikrishnan Bhaskaran	5545P056	5414
8791 7590 01/08/2008 BLAKELY SOKOLOFF TAYLOR & ZAFMAN 1279 OAKMEAD PARKWAY SUNNYVALE, CA 94085-4040			EXAMINER LAFORGIA, CHRISTIAN A	
			ART UNIT 2131	PAPER NUMBER
			MAIL DATE 01/08/2008	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/782,009

Applicant(s)

BHASKARAN ET AL.

Examiner

Christian La Forgia

Art Unit

2131

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 11 December 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 11 December 2007 has been entered.

2. Claims 1-28 have been presented for examination.

### ***Response to Arguments***

3. Applicant's arguments with respect to claims 1-28 have been considered but are moot in view of the new ground(s) of rejection.

4. See further rejections set forth below.

### ***Claim Rejections - 35 USC § 103***

5. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

6. Claims 1-7, 12-21, and 26-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application Publication No. 2005/0021467 to Franzdonk, hereinafter Franzdonk, in view of U.S. Patent Application Publication No. 2003/0061278 A1 to Agarwalla et al., hereinafter Agarwalla, and in further view of U.S. Patent Application Publication No. 2005/0015461 A1 to Richard et al., hereinafter Richard.

7. As per claim 1, Franzdonk teaches a method of packaging software comprising:

providing a software package including a file having a name portion and a data portion (Figures 1, 2, paragraphs 0045, 0051, i.e. the content distributor **20** receiving content from a content provider **16**);

digitally signing the data portion of the file for authentication purposes (Figures 1 [block 28], 2 [blocks 28], paragraph 0024, paragraph 0083, i.e. digital rights agent, embodied on a content distributor, signs content data before storing);

supplying information for inclusion in the software package (paragraph 0099, i.e. a unique content identifier); and

modifying the software package by changing the name portion of the file to include the information (paragraph 0099, i.e. renaming a content item according to a scheme allowing an application to link the content item to a unique content identifier). The Examiner provides Figure 4 of U.S. 2002/0144248 to Forbes et al. as evidence showing content files comprise at least a name and data portion.

8. Franzdonk does not teach encoding the information into the name portion to generate an encoded name and wherein the software package is modified by changing the name portion of the file to include information while preserving the digitally signed data portion.

9. Agarwalla discloses encoding information into the name portion to generate an encoded name (paragraphs 0056, 0059, 0062-0064).

10. It would have been obvious to one of ordinary skill in the art at the time the invention was made to encode information into the name portion to generate an encoded name, since Agarwalla states that encoding the file name provides for extra security by providing a substitute version of the file name (paragraph 0056) and for a mechanism that allows a file to be traced

back to the server from which it originated from when duplicate files exist on more than one server (paragraph 0064).

11. Agarwalla does not teach wherein the software package is modified by changing the name portion of the file to include information while preserving the digitally signed data portion.

12. Richard discloses wherein a file or a chunk of a file is renamed and the contents of the file do not change (paragraph 0076), which includes a digital signature (paragraph 0088). This is further supported by Richard's statement in paragraph 0076 that in prior art systems the simple renaming of a file can create a different file signature, implying that the disclosed system can change the name of the file without altering the file signature.

13. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the software package by changing the name portion of the file while preserving the digitally signed data portion, since Richard states at paragraph 0015 that such a modification would allow for that automatic reconciliation of files even after they have been renamed.

14. Regarding claims 2 and 16, Franzdonk teaches encoding the information prior to modifying the name portion of the file (paragraph 0099, i.e. linking the content item to a unique content identifier).

15. Regarding claims 3 and 17, Franzdonk teaches receiving the software package by a user's computing device (paragraph 0047, i.e. content is streamed from the content distributor **20** to media terminal).

16. With regards to claims 4 and 18, Franzdonk teaches downloading, by the user's computing device, the software package from a software package distribution site (paragraphs 0047, 0088, 0104 i.e. content is streamed from the content distributor **20** to media terminal).
17. Concerning claims 5 and 19, Franzdonk teaches decoding, by the user's computing device, the received software package to provide decoded information (paragraph 0088, i.e. decrypting the content for access).
18. Concerning claims 6 and 20, Franzdonk teaches installing the received software package on the user's computing device (paragraph 0054, 0085, i.e. viewing or listening to the video or audio, and executing the received data).
19. Concerning claims 7 and 21, Franzdonk teaches displaying the decoded information on the user's computing device for observation by the user (paragraph 0054, 0085, i.e. viewing or listening to the video or audio, and executing the received data).
20. Regarding claims 12 and 26, Franzdonk teaches wherein the information includes user settings (paragraph 0085, i.e. user access policies).

21. With regards to claims 13 and 27, Franzdonk teaches wherein the information includes software configuration information (paragraph 0085, i.e. pay-per view, pay per time, constraint policies).

22. Regarding claims 14 and 28, Franzdonk teaches wherein the data portion is an executable file (paragraph 0085, i.e. audio, video, or data).

23. As per claim 15, Franzdonk teaches a method of packaging software comprising:  
receiving, by a distributor, software including a file having a name portion (Figures 1, 2, paragraphs 0045, 0051, i.e. the content distributor **20** receiving content from a content provider **16**);

providing, by the distributor, information to be included with the software to form a software package (paragraph 0099, i.e. a unique content identifier); and

modifying the name portion of the file to include the information (paragraph 0099, i.e. renaming a content item according to a scheme allowing an application to link the content item to a unique content identifier).

24. Franzdonk does not disclose where the software received by the distributor has a digital signature.

25. It would have been obvious to one of ordinary skill in the art at the time the invention was made to include a digital signature at the content provider, since it is well known and admitted by the applicant that it is a common practice to include digital signatures in data in

order to verify their authenticity and prove that they have not been tampered with in transit to the data's destination.

26. Franzdonk does not teach encoding the information into the name portion to generate an encoded name and wherein the software package is modified by changing the name portion of the file to include information while preserving the digitally signed data portion.

27. Agarwalla discloses encoding information into the name portion to generate an encoded name (paragraphs 0056, 0059, 0062-0064).

28. It would have been obvious to one of ordinary skill in the art at the time the invention was made to encode information into the name portion to generate an encoded name, since Agarwalla states that encoding the file name provides for extra security by providing a substitute version of the file name (paragraph 0056) and for a mechanism that allows a file to be traced back to the server from which it originated from when duplicate files exist on more than one server (paragraph 0064).

29. Agarwalla does not teach wherein the software package is modified by changing the name portion of the file to include information while preserving the digitally signed data portion.

30. Richard discloses wherein a file or a chunk of a file is renamed and the contents of the file do not change (paragraph 0076), which includes a digital signature (paragraph 0088). This is further supported by Richard's statement in paragraph 0076 that in prior art systems the simple renaming of a file can create a different file signature, implying that the disclosed system can change the name of the file without altering the file signature.

31. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the software package by changing the name portion of the file while

preserving the digitally signed data portion, since Richard states at paragraph 0015 that such a modification would allow for that automatic reconciliation of files even after they have been renamed.

32. Claims 8-11 and 22-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Franzdonk in view of Agarwalla in view of Richard as applied above, and in further view of U.S. Patent Application Publication No. 2005/0004873 to Pou et al., hereinafter Pou.

33. Regarding claims 8 and 22, Franzdonk does not disclose wherein the information dynamically varies from software user to software user.

34. Pou discloses adding user information to a content wrapper when the user is authorized to redistribute the content file (paragraph 0048).

35. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have the information vary from user to user, since Pou states at paragraph 0048 that it allow all transactions to be centrally tracked thereby supporting the ability to properly allocate revenues.

36. Regarding claims 9 and 23, Franzdonk does not teach wrapping the name portion and the data portion together to form a wrapped software package.

37. Pou teaches applying a digital wrapper to a content file (Figure 3 [block 310], paragraph 0065).

38. It would have been obvious to one of ordinary skill in the art at the time the invention was made to wrap the name portion and the data portion to form a wrapped software package,

since Pou states at paragraph 0065 that the wrapper is used to identify the media file and to trigger specific functions like copyright owner payment events, file usage database update, and micro-payment fee allocations for consumer pass-along activities.

39. With regards to claims 10 and 24, Pou teaches providing the wrapped software package to the user's computing device (Figure 3 [block 315], paragraph 0071).

40. Concerning claims 11 and 25, Pou teaches unwrapping the wrapped software package by the user's computing device (Figure 3 [block 360], paragraph 0080).

#### ***Conclusion***

41. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christian La Forgia whose telephone number is (571) 272-3792. The examiner can normally be reached on Monday thru Thursday 7-5.

42. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on (571) 272-3795. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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43. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Christian LaForgia  
Patent Examiner  
Art Unit 2131

A handwritten signature in black ink, appearing to read 'CLF', is written over the printed name of the examiner.

clf